

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JAMES G. ABOUREZK, Plaintiff, vs. PROBUSH.COM., INC., a Pennsylvania Corporation, Defendant.	Civ. 03-4146 STIPULATION AND MOTION TO AMEND SCHEDULING ORDER
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COMES NOW the Parties, represented by and through counsel, with this Stipulation and Motion to Amend Scheduling Order.

WHEREAS the Parties are working diligently to comply with the Scheduling Order ordered in this matter; and

WHEREAS the Parties are working together to resolve discovery issues; and

WHEREAS the Plaintiff has encountered some difficulty in finding an expert witness by the November 5, 2004 deadline; and

WHEREAS the Parties agree that moving the expert disclosure and report deadlines back approximately one month will not cause undue hardship or delay on the Parties;

THE PARTIES HEREBY STIPULATE, by and through their attorneys, that the Scheduling Order be modified as follows: That the identity and reports of Plaintiff's expert shall be served on the Defendant by December 10, 2004 and that the identity of Defendant's expert shall be filed on Plaintiff by March 11, 2005.

THE PARTIES ALSO HEREBY MOVE the Court for modification of the
Scheduling Order to reflect the newly stipulated dates noted above.

Dated this 4th of November, 2004.

Respectfully submitted,

/s/ Todd D. Epp

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 4, 2004, a true and correct copy of the above noted pleading and exhibit was transmitted to the District of South Dakota CM/ECF system for filing and notification of counsel so registered with the Court's electronic filing system.

In addition, on November 4, 2004, this pleading was served via US Mail, prepaid to the following:

Charlie Abourezk Abourezk Law Offices, P.C. PO Box 9460 Rapid City, SD 57709 Attorney for Plaintiff	Michael Abourezk Abourezk Law Offices, P.C. PO Box 9460 Rapid City, SD 57709 Attorney for Plaintiff
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/s/ Todd D. Epp